

FIRST REGULAR SESSION

SENATE BILL NO. 259

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Read 1st time January 15, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1296S.01I

AN ACT

To amend chapter 197, RSMo, by adding thereto one new section relating to public funding for family planning.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 197, RSMo, is amended by adding thereto one new
2 section, to be known as section 197.730, to read as follows:

**197.730. 1. As used in this section the following terms shall
2 mean:**

3 **(1) "Department", the department of health and senior services;**

4 **(2) "Federally qualified health center", a health care provider
5 that is eligible for federal funding under 42 U.S.C. 1396(1)(2)(B);**

6 **(3) "Hospital", a primary or tertiary care facility licensed under
7 chapter 197;**

8 **(4) "Public funds", state funds from whatever source, including
9 without limitation state general revenue funds, state special account
10 and limited purpose grants or loans, or both, and federal funds
11 provided under Title V, Title XIX and Title XX of the Social Security
12 Act;**

13 **(5) "Rural health clinic", a health care provider that is eligible
14 for federal funding under 42 U.S.C. Section 1395x(aa)(2).**

15 **2. Subject to any applicable requirements of federal statutes,
16 rules, regulations or guidelines, any expenditures or grants of public
17 funds for family planning services by the state, by and through the
18 department shall be made in the following order of priority:**

19 **(1) Health care facilities that are owned or operated by the state
20 or any political subdivision of the state;**

21 **(2) Nonpublic hospitals and federally qualified health centers;**

22 (3) Rural health clinics; and

23 (4) Nonpublic health providers that have as their primary
24 purpose the provision of the primary health care services enumerated
25 in 42 U.S.C. 254b(a)(1).

26 3. A cause of action in law or equity for recoupment, declaratory
27 or injunctive relief against any person who has intentionally violated
28 this section may be maintained by a prosecuting attorney with
29 appropriate jurisdiction or by the attorney general.

30 4. Any entity eligible for the receipt of public funds has standing
31 to bring any action that the prosecuting attorney or the attorney
32 general has authority to bring under subsection 3 of this section if an
33 expenditure or grant of public funds made in violation of this section
34 has resulted in the reduction of public funds available to that
35 entity. Any monies that are recouped under actions taken under this
36 section shall revert to the fund from which the monies were
37 appropriated or granted.

38 5. If judgment is rendered in favor of the plaintiff in an action
39 described in this section, the court shall also render judgment for a
40 reasonable attorney's fee in favor of the plaintiff against the defendant.

41 6. If judgment is rendered in favor of the defendant and the
42 court finds that the plaintiff's suit was frivolous and brought in bad
43 faith, the court shall also render judgment for a reasonable attorney's
44 fee in favor of the defendant against the plaintiff.

45 7. If any provision of this section or the application thereof to
46 anyone or to any circumstance is held invalid, the remainder of this
47 section and the application of such provisions to others or other
48 circumstances shall not be affected thereby.

✓